

OFFICE OF  
BOARD OF APPEALS

# TOWN OF NORWELL

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## *FINDINGS AND DECISION*

OF

## THE NORWELL BOARD OF APPEALS

File No. 18-19

A Public Hearing was held, after notice and hearing as required by law, on October 3, 2018, by the Norwell Zoning Board of Appeals (the Board) under Massachusetts General Laws, Chapter 40A, Sections 6 and 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the APPLICATION (the Application) of:

Tricia & Matt Lederer;  
also known as Matthew & Patricia Lederer  
35 Block House Lane  
Norwell, MA 02061 (the Applicants)

For a Section 6 Finding and Special Permit under Norwell Zoning Bylaw, Sections 2441 (Front Yard) and 1642 (Lawfully pre-existing Nonconforming Lot), for the Property known and numbered as 35 Block House Lane, (the Property), located in Residential District A.

The Property is shown on Assessors' Map 21B, Block 60, Lot 12, and is described in the deed recorded with Plymouth County Registry District of the Land Court as Document Numbered 756032. The lot consists of approximately 4.7 acres and contains more than the required minimum of one acre of upland. The existing dwelling does not meet the required front-yard setback requirement of fifty (50) feet. The Applicants propose to add an addition and make alterations to a portion of the existing single-family dwelling constructed in 1936, which will not increase or impact upon the existing front-yard set-back.

The Application was duly noticed in *The Norwell Mariner* on September 13<sup>th</sup> and 20<sup>th</sup>, 2018, and posted at the Norwell Town Hall in accordance with the requirements of the Open Meeting Law.

The Applicants attended the Hearing and presented the Application. No member of the public spoke in opposition to the Application.

**FILE INVENTORY: The Application, all attachments, and the following Documents were submitted, received and marked as Exhibits, as indicated, by the Board:**

1. **Application, signed by the Applicants, was received and stamped by the Board of Appeals on August 13, 2018.**
2. **Compliance approval for the proposed addition and alterations by the Norwell Board of Health, dated: October 3, 2018.**
3. **Certified Site Plan, by Cavanaro Consulting, for the Property, dated August 10, 2018, Marked Drawing No. SP, received by the Board on August 13<sup>th</sup>, 2018, that shows the site, the set-backs of the building and structures and proposed addition, the Public Way and Property side lines.**
4. **Proposed and existing Building Plans, dated August 12, 2018, consisting of four pages, A-1 through A-4, inclusive, by AXIOM, Titled: ALTERATIONS/ADDITIONS TO: THE LEDERER RESIDENCE, Received by the Board on August 13, 2018.**
5. **Judicial Notice of the Board’s prior decision, File No. 17-07, for 35 Block House Lane, Upon the Application of Thomas and Diane Teuton, and filed in the Norwell Town Clerk’s Office on June 21, 2017, filed with the Board as a part of the documents for this Application on August 13, 2018.**

**FINDINGS:**

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**The property is located in Residential District A and includes a single-family dwelling to which the Applicant proposes alterations and an addition, all as noted and specifically described in the Plans included as Exhibit 4. There will be no change in the existing non-conformity of the existing setback of the Main Structured noted above. All other set-backs, both before and after the changes approved herein, shall be conforming**

1. **The Board may issue a Section 6 Finding and Special Permit pursuant to M.G.L. c. 40A, 6 and 9, and Section 1642 of the Norwell Zoning Bylaw, if it finds that**
  - a. **“The conduct of the proposed use will not be detrimental to the neighborhood and zoning district . . .”**

**Finding: As the property will continue to be used as a single family dwelling, the Board finds the proposed alterations and addition will not be detrimental to the neighborhood and zoning district.**

- b. **“ . . . the proposed use will not significantly alter the character of the zoning district”.**

**Finding: The Board finds, as the property is located in Residential District A, the existing use as a single family dwelling is allowed by right and, therefore, the alterations and additions designed for and limited to such use will not alter the character of the zoning district.**

- c. **"The conduct of the proposed use will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause."**

**Finding: The property will continue to be used as a single family dwelling. The Board finds the proposed alterations and additions will not be injurious, noxious, or offensive to the neighborhood as long its use is limited and to those allowed uses set forth above. The Board further finds that those uses must be observed.**

- 2. **There was no objection to the proposed alterations and renovations proposals submitted to the Board either through testimony or in writing.**

**DECISION OF THE BOARD:**

**Based upon the evidence presented, the findings detailed above and those set forth in our prior Decision made a part hereof as exhibit 5., upon a motion duly made and seconded Members Turner, Rivkind, and Bjorlin, VOTED unanimously to grant a Section 6 Finding and Special Permit for construction of the proposed alterations and addition to the single family dwelling (the Property) located at 35 Block House Lane in accordance with the filed plans, marked as Exhibits 3 and 4 in this Application No. 18-19.**

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**CONDITIONS APPLYING TO ALL DECISIONS:**

**RECORDING OF THE DECISION: After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed then dismissed or denied, a copy of the Board's decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the owner of record in the case of the unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.**


- 1. **RECORDING OF THE DECISION: After receiving certification from the Town Clerk that no appeal has been taken within twenty days, or if appealed, it was then dismissed or denied, a copy of the Board's Decision must be filed with either the Registrar of the Plymouth County Registry of Deeds to be recorded and indexed in the grantor index under the name of the**

owner of record in the case of unregistered land, or with the Recorder of the Land Court to be registered and noted on the owner's certificate of title in the case of registered land.

2. **RECORDING RECEIPT:** A copy of the recording fee receipt must be returned to the Board of Appeals. **NOTE:** No building permit shall be issued without such evidence.
3. **EFFECTIVE DATE OF APPROVAL:** The zoning relief granted by this Decision shall take effect only at such time as a copy of this Decision, certified by the Office of the Town Clerk of the Town of Norwell, is recorded with the Registrar of Deeds or Recorder of the Land Court.
4. **LAPSE OF SPECIAL PERMIT:** The Applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or as provided in any extension thereof as detailed in the Board's Rules, or it shall lapse.



**David Lee Turner**



**Roy Bjorlin**



**Ralph J. Rivkind**

This space reserved for  
Date Stamp of Town Clerk

Date Filed with Office of the Town Clerk

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**NOTICE OF APPELLATE RIGHTS:** Any decision of the Board of Appeals may be appealed to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.